IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1097/1999

RAM KISHAN Vs. THE STATE OF RAJASTHAN & ANR.

DATE 16.07.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Ashish Saksena for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.

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Brief facts of the case are that the father of the petitioner was working as Beldar in Public Works Department, National Highway Division, Ajmer and died while in service on 20.01.95. The petitioner applied for appointment on the post of Beldar on compassionate ground under Rule 5 of the Rajasthan Recruitment of Dependents of Government Servants (Dying While in Service) Rules, 1975 and was appointed on the post of Beldar as daily wager @ Rs. 32/- per day on compassionate ground by the respondent No.2 Executive Engineer, PWD, National Highway Division, Ajmer vide order dated 01.05.95. Since then the petitioner is working in the office of respondent No.2 and vide order dated 06.08.97 the petitioner was declared as semi permanent on the post of Beldar.

[2]

This writ petition has been filed by the petitioner claiming relief that as per the settled proposition of law, he was entitled to be appointed on regular basis in view of clause 16 of the circular of the Finance Department dated 20.09.95 and also in view of the ratio decided by this Court in the case of **Ram Chandra Vs. Executive Engineer & Ors., 1999(1) RLR 733,** wherein it has been held that “Raj. Recruitment of Dependents of Government Servants Dying While in Service Rules, 1975, Rule 5- Circular dated 20.09.95 issued by Finance Department- Appointment under the Rules of 1975 is a regular appointment for all purpose and the said appointment cannot be treated as temporary or casual- In the instant case deceased was serving on the post of Beldar with permanent status- Petitioner (son of deceased Govt. Servant) was given appointment under rules on the post of beldar on the daily wages basis (temporary basis) and semi-permanent status given after completion of two years of service- Held, act of respondents in not giving the petitioner an employment of permanent status can be termed as illegal, arbitrary and capricious- He could be given regular appointment.”

Having heard rival submissions of the respective parties and considering the circular issued by the State Government and the ratio decided by this

Court in the aforementioned case of **Ram Chandra (supra),** it is not disputed that the petitioner is entitled to be given appointment on the post of Beldar on regular basis and be treated as regular w.e.f. his initial appointment with all consequential benefits.

As the petitioner was given appointment w.e.f. 01.05.95, therefore, the respondents are directed to treat the petitioner as regular Beldar w.e.f 01.05.95 and he will be entitled for all the consequential benefits.

With these observations, the writ petition stands allowed.

(K.S. RATHORE),J.

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